

Message Text

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ORIGIN ARA-20

INFO OCT-01 ISO-00 L-03 OPIC-12 CIAE-00 INR-10 NSAE-00

RSC-01 COME-00 OMB-01 TRSE-00 EB-11 AID-20 /079 R

DRAFTED BY ARA/BC/B:JRBINNS:BJD

APPROVED BY ARA:JBKUBISCH

L/ARA:DGANTZ

ARA/BC:JEKARKASHIAN

OPIC:GCOOPER (INFO)

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P 312125Z JAN 74

FM SECSTATE WASHDC

TO AMEMBASSY LA PAZ PRIORITY

C O N F I D E N T I A L STATE 020874

E.O. 11652:GDS

TAGS: BDIS, BL

SUBJECT: IMPC/EMBOSA

REF: LA PAZ 590

1. ASSISTANT SECRETARY KUBISCH MET WITH FRANK TYE, ARA
LEGAL ADVISER AND DESK OFFICER JANUARY 30. TYE REVIEWED
HIS POSITION IN SUBJECT DISPUTE WHICH IS WELL KNOWN TO
EMBASSY.

2. IN RESPONSE TO SPECIFIC QUESTIONS, TYE INDICATED HE DID
NOT BELIEVE APPLICATION OF EMBOSA ARBITRATION PROCEDURES
WOULD BE PRODUCTIVE, BUT APPARENTLY WOULD BE WILLING TO
CONSIDER SUCH AN APPROACH IF WE SO ADVISED. IN RESPONSE TO
MR. KUBISCH'S REQUEST FOR HIS SUGGESTIONS, TYE SAID HE
THOUGHT "ONE PHONE CALL" FROM AMBASSADOR TO PRESIDENT
BANZER AFFIRMING USG INTEREST IN CASE WOULD PAVE THE WAY
FOR A CONSTRUCTIVE SOLUTION. ASKED ABOUT POSSIBLE SOLU-
TIONS, TYE INDICATED THAT HE MIGHT BE WILLING TO WITHDRAW
IMPC/EMBOSA CLAIM IN RETURN FOR CANCELLATION OF GIBRALTER
HUARI HUARI (GHH) STOCK OPTION CONTRACT. IN THIS REGARD,
TYE CLAIMED GHH STOCK OPTION DEAL WAS QUID PRO QUO FOR
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GOB SETTLEMENT OF ORIGINAL IMPC EXPROPRIATION CLAIM. A

REVIEW OF DOCUMENTS AVAILABLE IN THE DEPARTMENT DOES NOT SUPPORT THIS CONTENTION, AND WE WOULD APPRECIATE A COMPLETE SEARCH OF EMBASSY FILES FOR ANY INFORMATION THAT MIGHT BE RELEVANT.

3. FYI: TYE ALSO INDICATED THAT IF HE WERE UNABLE TO OBTAIN SATISFACTORY RESOLUTION OF THIS MATTER IN BOLIVIA HE WOULD SEEK *TO ATTACH BOLIVIAN TIN AT TEXAS CITY ON BASIS OF TEXAS COURT ORDER. HE ADMITTED HE MIGHT NOT ULTIMATELY PREVAIL, BUT BELIEVES HE WOULD TIE UP BOLIVIAN TIN FOR EXTENDED PERIOD IN ANY EVENT. END FYI.

4. MR. KUBISCH TOLD TYE THAT USG WAS COMMITTED TO EXTENDING APPROPRIATE ASSISTANCE TO U.S. INVESTORS OVERSEAS AND THAT WE WILL HONOR OUR OBLIGATION IN HIS CASE. TO THIS END, MR. KUBISCH PROMISED TYE A HIGH LEVEL USG REVIEW OF HIS CASE, INVOLVING ALL INTERESTED AGENCIES, WITHIN THE NEXT SEVERAL WEEKS. WE ARE AWARE OF THE EMBASSY'S POSITION ON THIS MATTER (REFTEL AND PREVIOUS), BUT WOULD APPRECIATE ANY ADDITIONAL OBSERVATIONS THAT YOU MIGHT WISH TO MAKE. WE WOULD ALSO APPRECIATE EMBASSY'S RECOMMENDATIONS AS TO APPROACHES WE MIGHT MAKE TO THE GOB IN ORDER TO OBTAIN SATISFACTORY RESOLUTION TO THIS PROBLEM. KISSINGER

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